

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Revenue - Commercial Tax Department - Suits - Non-Payment of Rent Occupied by Commercial Tax Officer, Gajuwaka - Hon'ble Court issued decree and attachment for Rs.12,87,000/- - sanction - orders -Issued.

REVENUE (CT.III) DEPARTMENT

G.O.Rt.No. 1590

Dated:- 6th, November, 2012
Read the following:-

1. From the Commissioner of Commercial Taxes, Hyderabad Lr.No. G1 /414/2012, dt 26.6.2012.
2. Govt. Memo No. 28552/CT.III.1/2012, dt.16.08.12.
3. From Commissioner of Commercial Taxes, Hyderabad Lr.No. G1/414/2012, dt 18.08.2012

ORDER

In the reference 1st & 3rd read above the Commissioner of Commercial Taxes, Hyderabad has stated that in response to the advertisement dated 8.7.1998 of the CTO, Gajuwaka and the CTO - Steel Plant for a building on hire for the C.T.O. Office, Sri G.S.V. Appa Rao & Sri G. Nageswara Rao, landlords of the building came forward to provide their building with specified space and amenities as required. At that time the local status of Gajuwaka was that of a ordinary Municipality. Subsequently, Government has upgraded the Gajuwaka Municipality as Selection Grade Municipality vide G.O.Rt.No. 484, MA& UD Deptt., dated 24.8.1998. The building was occupied by the CTO, Gajuwaka Circle, DCTO - Gajuwaka and DCTO - Steel Plant on 1.11.1998. Govt., issued orders in G.O.Rt.No. 542, Revenue (CTIII) Department., dt 5.5.2000 fixing the rent of Rs. 21,071/- PM w.e.f. 1.11.1998 on the plinth area of 9365 sft. at Rs. 2.25 per sft. for a period of two years or so long as the tenancy is completed which ever is earlier in terms of G.O.Ms.No.35, Fin., dt 27.2.1997. The owner of the building requested for a higher rate of rent ie., Rs. 2.75 per sft. instead of Rs. 2.25 per sft as the Gajuwaka Municipality was upgraded. The CTO - Gajuwaka issued revised proceedings fixing the rent of Rs. 15,257/- at Rs. 2.75 per sft in terms of G.O.Ms.No. 35 on the carpet area of 5548 Sq.ft of the building. The CTO has vacated the building on 15.2.2004. Dissatisfied with the fixation of the rent on carpet area, the owner has filed O.S.No.249/2006 before the Senior Civil Judge, Gajuwaka.

2. The Sr. Civil Judge, Gajuwaka in the decree dated 18.11.2009 in O.S.No. 249/2006, as amended in I.A.No. 494/2011 in O.S.No. 249/2006 dated 23.9.2011, directed "1)the defendant do pay to the plaintiff a sum of Rs. 9,29,514/-. The subsequent interest at the rate of 6% p.a. from the date of filing of the suit till the date of realisation on the principal sum of Rs. 9,29,514/- and 2) the defendant do also pay to the plaintiff a sum of Rs. 41,086/- towards costs of this suit". The Commercial Tax Officer Gajuwaka addressed the Addl. Government Pleader before the Hon'ble Sr. Civil Judge, Gajuwaka for his opinion in the matter. The Addl. Government Pleader rendered his opinion "to prefer an appeal against the above decree". The Commercial Tax Officer, Gajuwaka however did not take any action and the time limit for appeal before the appropriate court expired long back. Subsequently, the owner of the building filed an executive petition on 24.02.2012 for a total amount of Rs. 12,81,303/- in the Court of Principal Senior Civil Judge, Visakhapatnam. The Commissioner of Commercial Taxes, Hyderabad while requesting for release of Rs. 12.87 lakhs (including the

interest subsequently accrued), has further informed that action will be initiated against all the concerned for not preferring the appeal in the matter.

3. Government after careful examination of the matter hereby accord sanction for an amount of Rs. 12,87,565/- (Rupees Twelve lakhs eighty seven thousand and five hundred and sixty five only) towards a decretal amount (Rs. 9,29,514/- towards principal and interest @ 6% p.a. from the date of filing of the suit till the date of realisation on the principal amount) in O.S.No. 249/2006 as amended in I.A.No. 494/2011, dated 23.9.2011 for payment of rental arrears to C.T.O. Gajuwaka for the period from 1998 - 2004.

4. The Expenditure sanctioned at para (3) above shall be debited to 2040 - Taxes on Sales, Trade etc., MH 001 - Direction and Administration SH (03) - District Offices - 140 - Rents, Rates and Taxes (Charged) and shall initially be met by way of an advance from contingency fund for which orders will be issued by Finance (B.G) Department separately.

5. The Commissioner of Commercial Taxes, Hyderabad has further directed to initiate the action against all the concerned for not preferring the appeal in the matter.

6. The Commissioner of Commercial Taxes is requested to take action for obtaining supplementary grant at appropriate time during the current financial year 2012 - 2013 towards recoupment of the advance drawn from contingency fund.

7. This order issues with the concurrence of Finance Department vide their U.O.No.28298/459/A2/Exp.Rev/12, dt: 29.10.2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Commercial Taxes, A.P., Hyderabad.

Copy to:

The D.T.A., A.P., Hyderabad
The D.T.O., Visakhapatnam.
The Principal Accountant General, A.P., Hyderabad.
The Finance (Expenditure Revenue) Department / Finance (BG.I) Department.

//FORWARDED :: BY ORDER//

SECTION OFFICER.